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12 ELECTRONIC REGISTRATION SYSTEMS, INC.

13 IN THE UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 (NORTHERN DIVISION - RENO)

16 GRANT MATTHEW YOUNGREN,

17 *Plaintiff,*

18 vs.

19 OWNIT MORTGAGE SOLUTIONS, INC., a
20 California Corporation; FIRST MAGNUS
21 FINANCIAL CORPORATION/CHARTER
22 FUNDING (a Mortgage Broker), a Foreign
Corporation; LITTON LOAN SERVICING,
LP, a Delaware Limited Partnership; AMY
BLAZER, individually a Nevada resident;
MERSCORP, INC., a Virginia Corporation,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEM, INC., a
subsidiary of MERSCORP, INC., a Delaware
Corporation, [MERS]; and DOES 1-25
CORPORATIONS, DOES and ROES 1-25
Individuals, [Partnerships, or anyone claiming
any interest to the property described in the
action].

23 *Defendants.*

24 Case No. 3:09-cv-00595-ECR-RAM

25 **MORTGAGE ELECTRONIC
26 REGISTRATION SYSTEMS, INC. AND
27 MERSCORP, INC.'S RESPONSE TO
28 PLAINTIFF'S MOTION TO STAY ALL
FEDERAL PROCEEDINGS UNTIL THE
MOTION TO REMAND TO THE THIRD
JUDICIAL DISTRICT, STATE OF
NEVADA IS HEARD AND DEMAND
FOR DISCLOSURE OF
INDISPENSABLE PARTY**

29 Defendants MERSCORP, INC., a Delaware Corporation (wrongfully named as
30 MERSCORP, INC., a Virginia Corporation) and Mortgage Electronic Registration Systems, Inc.,
31 a subsidiary of MERSCORP, Inc., a Delaware Corporation ("MERS"), hereby responds to
32 Plaintiff Grant Matthew Youngren's ("Plaintiff") "Motion to Stay all Federal Proceedings Until

1 the Motion to Remand to the Third Judicial District, State of Nevada is Heard and Demand for
 2 Disclosure of Indispensable Party" ("Motion") (Doc. # 10).

3 In response, MERS states that (1) MERS does not oppose a stay of this case until the court
 4 resolves Plaintiff's Motion to Remand and any oppositions in response, and (2) MERS opposes
 5 and requests denial of Plaintiff's "Demand for Disclosure of Indispensable Party," (the
 6 "Disclosure Demand"). In support, MERS states the following.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 ***I. MERS DOES NOT OPPOSE A STAY OF THIS CASE UNTIL THE
 9 COURT RESOLVES PLAINTIFF'S MOTION TO REMAND***

10 While MERS strongly believes this case is properly removed under 28 U.S.C. §§ 1331
 11 and 1332 and, accordingly, governed by the Federal Rules of Civil Procedure, MERS does not
 12 oppose a stay of this case until the court has had an opportunity to review and resolve MERS'
 13 Notice of Removal (Doc. # 1), Plaintiff's Motion to Remand (Doc. # 4), and any and all
 14 oppositions filed in response, including MERS' opposition to Plaintiff's Motion to Remand,
 15 which will be filed on or before the response deadline of October 25, 2009.

16 ***II. MERS OPPOSES PLAINTIFF'S DEMAND FOR
 17 DISCLOSURE OF INDISPENSABLE PARTY***

18 Plaintiff, in his Motion, requests that the Court require Defendants to disclose "their
 19 relationship and interest in the controversy and disclose the parties that are necessary and
 20 indispensable." Motion at p. 11 (Doc. # 10). Plaintiff, however, cites to no authority which
 21 would require Defendants to list additional parties for Plaintiff to join in this action or to disclose
 22 any information whatsoever prior to the opening of discovery. Indeed, no such authority exists
 23 and discovery has not begun in this case. *See Fed. R. Civ. Proc. 26(d)* ("A party may not seek
 24 discovery from any source before the parties have conferred as required by Rule 26(f) . . .").
 25 Moreover, Plaintiff has simultaneously requested a stay of this case. Plaintiff simply cannot have
 26 it both ways. Plaintiff's Disclosure Demand has no legal basis and should be denied.

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1 For the foregoing reasons, MERS does not oppose a stay of this case until the court
2 resolves MERS' Notice of Removal, Plaintiff's Motion to Remand, and any oppositions in
3 response, but requests that this Court deny Plaintiff's Disclosure Demand.

4
5 DATED: October 14, 2009

SNELL & WILMER L.L.P.

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7 By: /s/ Erica J. Stutman

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17 *Attorneys for Defendants MERSCORP Inc. and*
18 *Mortgage Electronic Registration Systems, Inc.*

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2 **CERTIFICATE OF SERVICE**
3

4 I hereby certify that on October 14, 2009, I electronically filed the foregoing
5 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AND MERSCORP, INC.'S
6 RESPONSE TO PLAINTIFF'S MOTION TO STAY ALL FEDERAL PROCEEDINGS UNTIL
7 THE MOTION TO REMAND TO THE THIRD JUDICIAL DISTRICT, STATE OF NEVADA
8 IS HEARD AND DEMAND FOR DISCLOSURE OF INDISPENSABLE PARTY using the
9 CM/ECF system which will send a notice of electronic filing to all parties as listed on the Notice
of Electronic Filing.

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12 An Employee of Snell & Wilmer L.L.P.
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